

BRAC Cleanup Team (BCT) Workshop



Topical Issues Raised During Facilitated Discussions

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FOST/FOSL



- ◆ Sharing lessons learned
- ◆ Awareness of other documentation requirements
- ◆ Concern about resource allocation
 - FOST vs. FOSL

FOST/FOSL



- ◆ Length of time to complete the FOST process
 - Minimum time is 3 months

- ◆ Potential delays in process
 - Operating properly and successfully determinations
 - DDESB involvement for UXO
 - Legal review of documentation at various levels

Institutional Controls - Issues



- ◆ Need to use the deed as the vehicle to ensure future awareness and maintenance of ICs
- ◆ Cleanup is based several factors, including cost; the decision rests with DoD, not LRA
- ◆ DoD has CERCLA 120 and PL102-484 330 obligations, memorialized in the deed
- ◆ DoD can put restrictions on transferees, memorialized in the deed

Institutional Controls - Issues



- ◆ Need watchdogs to ensure restrictions are obeyed in the future - perhaps transferees prepare annual report/notice. State and local authorities will have a role in this.
- ◆ If restrictions violated by transferee, DoD can use property rights to enforce ICs (deed) and/or CERCLA lead agent authority - the transferee would then also be a PRP and lose 120 and 330 protection

Lead-Based Paint - Issues



- ◆ Issue is to risk
- ◆ Confusion because of the lack of implementing regulations--Both HUD and EPA have drafted regulations
 - Site specific examples
 - Common sense/working to common goal
- ◆ Group discussion of different standards/sampling and appropriate actions to take

Lead-based Paint - Issues



For usual residential scenarios, use of Title X and TSCA appropriate regulatory framework

- Send comments on EPA June 3, 1998 proposed rule
- ◆ Requirements (sampling and abatement, etc.) under Title X/TSCA framework are different from CERCLA

DoD is developing a field guide to provide guidance on current requirements and guidance, draft will be released for comment this summer